

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 877 - HB 1520

February 19, 2023

SUMMARY OF BILL: Creates a pilot program that authorizes a juvenile court to retain jurisdiction over a juvenile offender found until their 24th birthday if the judge finds that the youth is amenable to treatment and rehabilitation and additional treatment and rehabilitation may be necessary beyond the Department of Children's Services (DCS) commitment period.

Limits the pilot program to Davidson County and Shelby County and applies to a juvenile adjudicated delinquent for one more act that would be a felony offense if committed by an adult.

Requires the court commit the juvenile to the custody of DCS for a determinate period of time until their 19th birthday. Requires a youth be committed to the custody of an adult correctional facility that is not operated by the Department of Correction (DOC) to serve the remainder of the extended juvenile court jurisdiction sentence if the court determines the youth has not been sufficiently rehabilitated upon the release from DCS custody.

FISCAL IMPACT:

Other Fiscal Impact – Due to multiple unknown factors, the extent and timing of any mandatory increase in local expenditures or decrease in state incarceration expenditures cannot reasonably be determined.

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-134(d), a juvenile court has jurisdiction over offenses alleged to have been committed prior to a person's 18th birthday.
- Pursuant to Tenn. Code Ann. § 37-1-102(b)(5), a person under 19 years of age is authorized to remain under the continuing jurisdiction of the juvenile court for limited purposes.
- The proposed legislation authorizes a juvenile court to retain jurisdiction over certain juvenile offenders in Davidson or Shelby County, until their 24th birthday pending the completion of the pilot program.
- Further, the proposed legislation requires a youth be committed to the custody of an adult correctional facility that is not operated by the DOC to serve the remainder of the extended juvenile court jurisdiction sentence if the court determines the youth has not been sufficiently rehabilitated upon the release from DCS custody.

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- Based on information provided by the DCS, there are currently a total of 76 juvenile offenders in Davidson and Shelby counties that would be eligible for the proposed pilot program.
- It is unknown where juveniles committed to the custody of an adult correctional facility that is not operated by the DOC will be located, but it is reasonably assumed to be a county run juvenile detention center.
- The proposed legislation may lead to a decrease in state incarceration expenditures associated with offenders participating in the pilot program.
- For any juvenile offender sentenced to serve out the remainder of any extended juvenile court jurisdiction sentence in a county run juvenile detention center, there will be a mandatory increase in local expenditures; however, the extent of any decrease in state expenditures or mandatory increase in local expenditures will be dependent upon the number of participants a court orders to participate in a pilot program and where the child is placed while participating in the pilot program.
- Due to multiple unknown factors, the extent and timing of any mandatory increase in local expenditures or decrease in state expenditures cannot reasonably be determined.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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